

Docket No.: H6808.0056/P056
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Akihiro Sano et al.

Allowed: August 29, 2008

Application No.: 10/849,517

Confirmation No.: 7134

Filed: May 20, 2004

Art Unit: 2881

For: MASS SPECTROMETER SYSTEM

Examiner: N. Wells

COMMENTS ON STATEMENT OF REASONS
FOR ALLOWANCE UNDER 37 CFR §1.104(E)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Examiner's Statement of Reasons for Allowance with the August 29, 2008 Notice of Allowance and Allowability regarding the above-identified application. Entry of the Statement into the record should not be construed as any agreement with or acquiescence in the reasoning stated by the Examiner. Each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element.

The Examiner's Statement was not prepared by Applicants and only contains the Examiner's possible positions in one or more reasons for allowability. Thus, any interpretation with respect to the Examiner's Statement of Reasons for Allowance should not be imputed to the Applicants.

Additionally, Applicants object to the “lining out” of Thermo Finnigan Product Support Bulletin “Dynamic Exclusion”, PSB 105, pp. 1-2 on the Information Disclosure Statement originally submitted by Applicants on May 20, 2004. The “lining out” of the reference on Form PTO/SB/08 is improper because the reference was before the Examiner during the prosecution of the application, and was in fact considered by the Examiner. The consideration was acknowledged by the Examiner in the Form SB/08 that was initialed on January 31, 2008.

Dated: December 1, 2008

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorney for Applicant